REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of October 16, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claim Rejections – 35 USC § 112

Claim 1 was rejected under 35 USC § 112, second paragraph, as being indefinite. More specifically, it was asserted that there is insufficient antecedent basis for the limitation "each element" in line 18 of Claim 1.

Appropriate correction has been made.

Claim Rejections – 35 USC § 101

Claim 1 was rejected under 35 USC § 101. It was asserted that the claimed invention is directed to non-statutory subject matter. More specifically, it was asserted that Claim 1 identifies neither the apparatus performing the recited steps nor any transformation of underlying materials.

Claim 1 has been amended to recite that the method is computer-implemented and thus the apparatus performing the recited steps has been identified as a computer.

Claim Rejections – 35 USC § 103

Claim 1 was rejected under 35 USC §103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of Non-Patent Literature, "Travelers Leave for Portugal after 24-Hour Wait for Plane", by M. Ingram, *The Globe and Mail*, June 26, 1986, pg. A21, (hereinafter Ingram), and in

further view of U.S. Published Patent Application 2004/0010427 to Barnes, *et al.* (hereinafter Barnes).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a computer-implemented method for re-booking passengers from a cancelled flight.

The method can include determining real time a plurality of alternative flights for the passengers offered by an airline operating said cancelled flight and other airlines based on databases including flight inventory data and reservations data on the canceled airline and other airlines; and determining re-booking passenger candidates.

Determining re-booking passenger candidates can include obtaining real time passenger data for each of the passengers from databases including a customer relationship management (CRM) database, an accounting database, and a loyalty or frequent flyer database. The passenger data can comprise elements including a passenger re-booking cost, a remaining unflown ticket value, and a passenger lifetime value. The passenger re-booking cost can include a cost to the airline which has cancelled the flight to re-book the passenger on one of the alternative flights offered by the other airlines, and any accommodation costs associated with each one of the alternative flights offered by the airline, including hotel and meal charges, of accommodating the passenger until the alternative flight offered by the airline is available. The passenger lifetime value can

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include at least one of a frequent flyer status of the passenger and a ticket purchase history of the passenger.

Determining re-booking passenger candidates also can include weighting each element of the passenger data using a predetermined set of weights determined based upon expressed preferences of the airline; for each of the passengers, determining a value score based upon the weighted passenger data elements; and comparing the weighted scores for the passengers with one or more rules, wherein the rules include at least one of a descending revenue impact on the airline, a lifetime value of the passenger, and a most favorable value score.

The method also can include offering at least a portion of the alternative flights to the determined re-booking passenger candidates based upon the comparing step.

See, e.g., Specification, paragraphs [0013] to [0026]; see also Figs. 1-2.

The Claims Define Over The Prior Art

It is noted that although Slivka discloses in paragraph [0036] that the re-accommodation driver 111 may retrieve a Passenger Name Record (PNR) list associated with the disrupted flight from a PNR data structure that may be located in operations database 118 or another storage device, Slivka does not disclose obtaining real time passenger data for each of the passengers from databases including a customer relationship management (CRM) database as in the present invention.

It is also noted that as already discussed in the previous responses, Slivka does not disclose weighting each element of the passenger data using a predetermined set of weights determined based upon expressed preferences of said airline; and for each of the passengers, determining a value score based upon the weighted passenger data elements, as in the present invention. Slivka provides a rules engine, but Slivka's rules engine merely assigns, or "associates," a "data code" (e.g., a "frequent flyer status" or "class of

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service") reflecting a "type" or "status" (see, e.g., Slivka, paragraph [0024]). No numerical weights are assigned or associated with different data elements in Slivka.

It was stated in the Office Action that Slivka does not teach accommodation costs associated with each one of the alternative flights offered by the airline, including hotel and meal charges, of accommodating the passenger until the alternative flight offered by the airline is available. However, it was asserted that Ingram (see para. 3 and 8-9) discloses this feature.

As already discussed in the previous response, Ingram discloses that passengers were accommodated in hotels and paid for meals and will be transferred to alternative flights. However, it is noted that in Ingram the airline was forced to provide accommodations and meals due to an emergency, not as part of a normal rescheduling scheme that takes into consideration of passenger re-booking costs and other factors.

It was also stated in the Office Action that Slivka in view of Ingram does not teach that the passenger data comprises a remaining unflown ticket value. However, it was asserted that Barnes (see para. 39) discloses this limitation.

Barnes discloses an automated method and system for facilitating timely use and/or redemption of the unused portion of an electronic ticket. In accordance with the method, an aging period is set and is added to the scheduled departure date of the issued ticket, and a reminder period is set and subtracted from the scheduled date of a ticket. If the scheduled departure date plus the aging date is earlier than the current date, a determination is made as to whether the ticket has been used. If the scheduled date minus the reminder period is earlier than the current date, then a message is communicated to the traveler reminding him to use or redeem the ticket. A residual value of the ticket is calculated and communicated to a client to facilitate redemption of the unused ticket and issuance of appropriate redemption credit. See the Abstract.

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Clearly, Barnes has nothing to do with re-booking passengers from a cancelled flight and thus also does not disclose or suggest that the residual value of a ticket should be one of the elements of the passenger data used for determining re-booking passenger candidates. It is noted that in the present invention, the remaining unflown ticket value is used to determine re-booking passenger candidates, not to issue a partial refund to a customer as in Barnes.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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